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7
8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**

10 BACKGRID USA, INC.,

11 *Plaintiff,*

12 v.

13 ROLYN STUDIO LLC,

14 *Defendant.*

Case No.: 2:24-cv-8563

**COMPLAINT FOR COPYRIGHT
INFRINGEMENT**

Jury Trial Demanded

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17 Plaintiff BackGrid USA, Inc. alleges as follows:

18 **JURISDICTION**

19 1. This action arises under the Copyright Act of 1976, Title 17 U.S.C. § 101
20 et seq. This Court therefore has jurisdiction over the subject matter of this action
21 under 28 U.S.C. § 1331 (federal question) and § 1338 (copyright).

22 **PARTIES**

23 ***Plaintiff BackGrid***

24 2. Plaintiff BackGrid is an entity organized and existing under the laws of
25 the State of California with its principal place of business in Redondo Beach,
26 California.

27 3. BackGrid is a global premier celebrity news and photo agency that
28 provides the world's news outlets with real-time content from the top photographers.

1 BackGrid also maintains a library of photographs on a diverse range of subjects
2 including celebrities, music, sports, fashion, and royalty.

3 4. BackGrid licenses its photographs to leading magazines, newspapers,
4 and editorial clients, throughout the world, including in the United States and in
5 California.

6 5. BackGrid conducts business as a syndicator of photos and photo features
7 of popular content. The business model is predicated on licensing the use of work to
8 many different licensees, each of which pays a fee to publish.

9 ***Defendant***

10 6. Defendant Rolyn Studio is a limited liability company currently
11 organized under the laws of the State of Texas, with its registered office in Carrollton,
12 Texas.

13 7. Rolyn Studio is a fashion and apparel company that sells high-end
14 activewear under the brand name Nylora.

15 8. On information and belief, Rolyn Studio owns, operates, or is responsible
16 for the content of the Instagram social media account @nylora_studio.

17 9. On information and belief, Rolyn Studio has the right to control, or is
18 ultimately responsible for, the content on the Instagram social media account
19 @nylora_kr.

20 ***Personal Jurisdiction and Venue***

21 10. This Court has personal jurisdiction over Rolyn Studio because it has
22 engaged in conduct with or in California, has contacts with California, and the claims
23 arise out of those contacts.

24 11. Specifically, at the time of the infringements alleged in this Complaint,
25 defendant was a California corporation with its principal location in this judicial
26 district, until it re-organized in Texas in 2022.

1 Images on its servers, and displayed the Images on its social media accounts
2 @nylora_studio or @nylora_kr on Instagram, using them to promote its products.

3 19. The Images are creative, distinctive, and—as evidenced by defendant’s
4 use and misappropriation of them—valuable. Because of the Images’ quality, visual
5 appeal, and celebrity subject matter, BackGrid stood to gain revenue from licensing
6 them.

7 20. BackGrid marketed and licensed some of the Images on an as Exclusive
8 photographs. “Exclusive” means the photographs are available only from the single
9 photo agency (directly or through agents) because no other photographers captured
10 the celebrity or event. Exclusive photographs are more valuable and are licensed for a
11 higher fee, sometimes significantly higher (such as \$10,000 to \$50,000 or more, and
12 higher if the licensee wants a period of exclusivity where no other licensee can display
13 the photographs).

14 21. Image 1 was marketed as Exclusive.

15 22. Defendant’s unauthorized use of the Images harmed the existing and
16 future market for the Images. Defendant’s posts made the Images immediately
17 available to its followers and to the public, including consumers of entertainment and
18 fashion news—and especially news and images of the celebrity subjects of the
19 Images—who would otherwise be interested in viewing licensed versions of the
20 Images in the magazines, newspapers, and online publications that are BackGrid’s
21 customers.

22 23. Defendant’s unauthorized use of the Images also harms BackGrid’s
23 business model by driving down the prices for legitimately licensed celebrity images
24 and driving away BackGrid’s actual and potential customers. BackGrid’s
25 customers—among them, media companies who compete with defendant and, unlike
26 defendant, pay large license fees for celebrity visual content—are less likely to
27 purchase licenses, or pay as much for a license, when the same visual content will be
28 widely distributed simultaneously on the websites of their competitors.

1 other means by which they could be used again by defendant without plaintiff's
2 authorization—as well as all related records and documents;

3 D. For actual damages and all profits derived from the unauthorized use of
4 the Images or, where applicable and at plaintiff's election, statutory damages;

5 E. For an award of pre-judgment interest as allowed by law;

6 F. For reasonable attorney fees;

7 G. For court costs, expert witness fees, and all other costs authorized under
8 law;

9 H. For such other and further relief as the Court deems just and proper.

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11 **JURY TRIAL DEMAND**

12 Plaintiff demands a trial by jury of all issues permitted by law.

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14 Dated: October 4, 2024

Respectfully submitted,

15 **PERKOWSKI LEGAL, PC**

16
17 By: /s/ Peter Perkowski

18 Peter E. Perkowski

19 Attorneys for Plaintiff
20 BACKGRID USA, INC.